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Attorney for Movant
Son Van Nguyen

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America

Plaintiff/Respondent,

v.

Son Van Nguyen,

Defendant/Movant.

Cr.S. 99-433 WBS GGH

STIPULATION AND
ORDER

Movant Son Van Nguyen, by and through counsel Krista Hart, and the United States of America (government), by and through its counsel Assistant US Attorney William Wong, hereby stipulate and agree that the previous briefing schedule concerning Mr. Nguyen's motion pursuant to 28 U.S.C. §2255 be modified. The parties agree Mr. Nguyen's amended 2255 motion is due on June 27, 2011, and the government's answer is due 30 days later.

In 2003, Mr. Nguyen was convicted of Hobbs Act robbery, use of a firearm during a crime, and murder. The court sentenced Mr. Nguyen to life in prison plus 60 months. Mr. Nguyen is in the custody of the Bureau of Prisons at USP Atwater.

In April of 2010, Mr. Nguyen filed a motion pursuant to 28 U.S.C. §2255. On June 1, 2010, the Court ordered the government to file an answer within 30 days. (Doc 1435) On August 2, 2010, codefendant Thy Chann submitted a letter to

1 this Court stating, among other things, that Mr. Nguyen was not guilty. (Doc
2 1500) The Court appointed counsel to investigate and supplement the motion if
3 necessary. Any supplemental motion is now due on June 7, 2011.

4 Counsel for Mr. Nguyen has made progress toward preparing the
5 supplemental motion, but needs a few more days. Counsel for the government,
6 AUSA Wong, will be out of the office for two weeks, returning on June 27, 2011.
7 Pursuant to the Court's previous order, AUSA Wong will have 30 days to respond
8 to the motion, he would prefer the motion be filed upon his return to maximize his
9 time to respond.

10 Therefore, the parties stipulate and agree Mr. Nguyen's supplemental
11 motion pursuant to 28 U.S.C. §2255, be filed on June 27, 2011.

12 DATED: June 8, 2011

13 /s/ Krista Hart
14 Attorney for Movant
15 Son Van Nguyen

16 DATED: June 8, 2011

Benjamin Wagner
United States Attorney

17 /s/ William Wong
18 Assistant US Attorney

19
20 **ORDER**

21 The parties's request is granted. Movant Son Van Nguyen's supplemental
22 motion is due on June 27, 2011. The government's answer is due 30 days later.

23 DATED: June 8, 2011

24 /s/ Gregory G. Hollows

25 Gregory G. Hollows
United States Magistrate Judge

26 nguy0433.stp